

### REMARKS

It is believed that the Examiner fully appreciates that the present invention solves a very longstanding and extremely serious problem in the hydrocarbon drilling art; namely, the prevention of scoring and replacement of tubulars due to their repeated scoring by prior art slips each time they are engaged by the slips. Bearing in mind the billions of tubulars in use, the present invention solves an age old problem, never solved by any others skilled in this art, and produces truly unexpected results not previously possible.

This beneficial result is obtained by preventing the slips from moving vertically along the tubular as they come into forceful gripping engagement. Rather, they move radially toward the tubular and engage it without such vertical motion as to drag the teeth across the tubular and damage it.

This novel structure, motion and result is more fully explained in the Specification such as in, for example, lines 8 to 21 on page 8 wherein lines 18 - 21 succinctly state:

"In the present invention, the function of link (3) constrains the slips (1) to move substantially horizontally; i.e., substantially perpendicular or

ninety degrees to the tubular (2) and so would not act to score or scratch the surface of the tubular (2)."

New Claims 39 - 59 are presented herewith in order to even more clearly state and define over all of the know prior art. New Claims 39 - 51 correspond to former Claims 21 - 36 which were not rejected on any prior art in the previous Office Action, and which were listed under the heading "Allowable Subject Matter" on page 4 of the Office Action. These claims were only objected to on the ground that the "bowl", "table" and "mechanical motor" were not shown in the Drawings. All of these well known but non-illustrated elements have been removed from all of the new claims, and the claims have been revised, only, so as to improve the clarity and definiteness. Accordingly, Claims 39 - 51 are understood to be allowable both as to form and substance.

Claims 52 and 53 correspond to former Claims 37 and 38, and the new Restriction Requirement is strongly traversed for each of the following reasons:

- I. Restriction practice **requires** a showing that there would be a "serious burden on the Examiner if

restriction is not required". MPEP 803.01, I, (B). In the subject case there is no extra burden on the Examiner at all since the same field and extent of search is required for all the claims previously and currently presented. Rather, the only burden will be on Applicant to pay another Filing Fee, prosecution costs and Maintenance Fees, which are substantial and wholly unnecessary in the present case; i.e., the Field of Search for two sets of slips being the same as for one set of slips.

II. The Restriction Requirement wholly fails to provide any reason or examples to support the alleged conclusion. Whereas, MPMP 803.01, II, expressly states "Examiners **must** provide reasons and/or examples to support conclusions--."

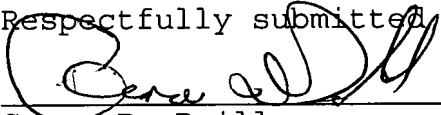
III. Applicant did not make any constructive election in the present case. Former Claim 30, now Claim 46, recited "second slip means of a size and shape for engaging the tool joint" as a continuation of the original claims, and Claim 30 **has not been withdrawn** as being directed to an alleged distinct invention.

For each and all of the foregoing reasons, the Restriction Requirement is firmly traversed and withdrawal is earnestly requested.

Referring lastly to new Claims 54 - 59, these claims correspond to Claims 1 - 6 of Applicant's corresponding EPO Application now Granted as EPO Patent EP 1,492,937, except that, all reference to the non-illustrated "bowl" and "table" have been removed. Each of these claims recites the unique radial and horizontal movement of the slips so as to solve the serious scoring problem of the prior art, and further recites the linkage whereby this unexpected result is achieved only by Applicant. Accordingly, each of Claims 54 - 59 are obviously allowable along with Claims 39 - 53 as pointed out above.

In summary, (a) all objections regarding each of claim elements in the drawings have been removed; (b) the previous claims on which the present claims are strictly based do not stand rejected on any prior art; (c) Claims 46 and 52 - 53 pose no burden whatsoever on the Examiner; and (d) Claims 54 - 59 are more detailed regarding the linkage than the prior claims which have only been objected to on formal grounds.

Accordingly, all claims are sincerely believed to be in condition for immediate allowance and such action is earnestly solicited.

Respectfully submitted  
  
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